

Message Text

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21

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TO AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: EAIR, UR, US

SUBJECT: AEROFLOT LEGAL DIFFICULTIES

1. ASSISTANT U.S. ATTORNEY, EASTERN DISTRICT NEW YORK, IN FEB. 26 LETTER, CONFIRMED THAT HIS OFFICE HAS MADE "PRELIMINARY PROSECUTORIAL DECISION, BASED ON THE EVIDENCE NOW AVAILABLE" TO PROSECUTE AEROFLOT ON A NUMBER OF VIOLATIONS RE REBATED TICKET SALES. AEROFLOT LAWYERS HAVE REJECTED PROPOSAL BY U.S. ATTORNEY'S OFFICE TO SETTLE CASE BY PLEADING "NO CONTEST", AS DID NINETEEN OTHER AIRLINES WHO WERE CHARGED WITH SIMILAR VIOLATIONS IN THE COURSE OF THE SAME INVESTIGATION.

2. IN EARLIER CONVERSATION, DEPTOFF ADVISED ASSISTANT U.S. ATTORNEY THAT, INASMUCH AS THE REBATING VIOLATIONS INVOLVED ALLEGED ABUSE OF ORDINARY COMMERCIAL ACTIVITIES, THE DEPARTMENT HAS NO OBJECTION TO THE PROSECUTION OF

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AEROFLOT, AND THAT THE MATTER IS SOLELY WITHIN THE

JURISDICTION OF THE U.S. ATTORNEY'S OFFICE AND THE
DEPARTMENT OF JUSTICE.

3. IF APPROACHED BY SOVIETS ON THIS MATTER, DEPARTMENT
SUGGESTS EMBASSY RESPOND THAT DEPARTMENT HAS CAREFULLY
REVIEWED AEROFLOT LEGAL CASE AND HAS DETERMINED THAT IT
HAS NO ROLE TO PLAY IN THIS STRICTLY LEGAL MATTER. YOU
COULD STRESS THAT INVESTIGATION INVOLVED A NUMBER OF
OTHER CARRIERS FLYING THE NORTH ATLANTIC AS WELL AS
AEROFLOT, AND THAT IT WAS CARRIED OUT IN AN ENTIRELY
NON-DISCRIMINATORY MANNER. INGERSOLL

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